

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :
ERNESTO P. ROCHA :
Debtor : BK No. 09-11363
Chapter 13

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ORDER

Heard on December 3, 2009 on Confirmation of Debtor's Amended Chapter 13 Plan, Debtor's Motion to Modify Secured Claims, and America's Servicing Company's Objection to Confirmation. America's Servicing Company, holder of a first mortgage on Debtor's property located at 63 Nellie Street, Providence, Rhode Island, maintains that the Debtor's real property has a fair market value of \$160,000.00. In his Chapter 13 plan, Debtor attempts to modify America's Servicing Company's claim and maintains that the same real property has a fair market value of \$135,000.00.

After conducting an evidentiary hearing and considering the arguments and submissions of the parties, I find the subject real property has a fair market value of \$145,000.00. Accordingly, Confirmation of the Chapter 13 Plan is **DENIED**. Debtor has until December 15, 2009 to file an amended plan.

Entered as an order of this court.

Dated at Providence, Rhode Island, this 4th day of
December, 2009.

A handwritten signature in black ink, appearing to read "Arthur N. Votolato". The signature is written in a cursive, flowing style.

Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 12/4/09